P=32
B

App F IX 4

Previous References

1948-49
(ML)

File No : 108-48
Serial Nos 6, 7

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Nov '48

SUBJECT

Grant of site in The Kumara Park west extension to Sri B Subbiah

L 5219/D/15-11-48

To, The Chairman, C I T B
Bangalore

Approves the proposal

L 5220/D 15-11-48

To Auditor, P W Dept

App F 112

General and Revenue Secretariat | File No | of 194

Serial No

In the circumstances, it is submitted ~~that the~~ Letter No 9 187-8/ 8 23-9-48 from the chairman C I T Board, Bangalore requesting orders on the proposal of the Trust Board to grant a site measuring 66' X 20' in the Kamanna park was extension to one B Subbiah post master, Bangalore, in exchange of the property taken over by the Trust Board

submitted

~~The circumstances which led to the grant which compelled the Trust Board~~

1) The circumstances which forced the Trust Board to grant the site in question are noted in the report

2) Before taking the decision as above, the Trust Board should have consulted the local police and the P W D ~~authorities~~ whether the claim of one Subbiah is bona fide or not

3) one Subbiah is reputed to have formed the claim by

Note —Contn Sheet

re grant of land to Sri Subbiah 1459/ml
T Nursery, Bungalow in Kemmara

File No of 191 park

General and Revenue Secretariat

Serial No

producing certain records before the govt pleader who, as seen from the records, has found that the claim of Sri Subbiah is in order but the govt pleader has however suggested that the matter may be verified with reference to the original documents of the Kemmara park

4) It is for orders whether the proposal of the Trust would to grant the site to Sri Subbiah may be approved or whether the Chairman may be requested to arrange for the title of Sri Subbiah being got verified with reference to the documents available in the P W D and the s ag- mlg-

approved
Ms.
20/10

Rec'd
28/9/48

Ma
27/9

5) for orders on the points raised in para 4 supra

Minister
Agriculture
6/ Ms. 28/9
20/10
21/10

Office of the Minister for Finance and Industries
No 2072
Dt 29/9/48

OFFICE OF THE HOME MINISTER
No 3718
17 OCT 1948

D 02353—GPB—30 000—11 5 48

grant of sale deed subdivision
Kumara Park

2459/ml 7/ DPC letter put up
3208/ml
for 10 W

8/ A draft letter is put up
hra 3/11

9/ Issue
4/11/48

for
3/11

To,

The chairman,

Bangalore Town
Board

Lr 5-2-19 & 15-11-48

Attention of the proposed

Letter No B 227-8/48-9
& 19-10-48 from the
chairman, Bangalore
Town Board requesting early
orders

10/ submitted orders have
already been issued there
will be placed with the
Mamm file

B hra 3/11

hra 30/11 yes please
Pr 1-12-48

1/12/48

WD 06071—GPB—2,000—20-6 49

Serial No.

Letter No J 191/45-50 d/ 10/10/45 from the chairman, c/o T Board, Bangalore, in regard to the grant of a site in the Kumara park west extension, to the Subhash

1) submitted with a draft letter calling for information as to the actual dimensions of the area belonging to the Subhash taken possession of etc

Sub H/H
11/11

2) Approved
11/11/45

Do

The Chairman, c/o TB, Bangalore
No L 4870 d/ 16 11-45
calls for information

Sub A
18/11

Letter No J 259/45-50 d/ 26-11-45 from the chairman, c/o T Board, Bangalore

3) submitted

The report now received furnishing replies to all the points raised in this

NOTE—Contn. Sheet.

2553 grant of land to Sri Subbiah in
File No 3653/Rev Kumara Park in exchange for of 19
his property

General and Revenue Secretariat

Serial No

officer letter dt 16-11-49 is submitted for perusal. In the circumstances now reported, no further action is called for, as the Trust Board has taken over an area of 7 11 sq yds as against the area of 6.2.2 1/2 sq yds given by the Board to Sri Subbiah as agreed. This was done in view of the previous orders passed in this respect to grant Sri Subbiah certain lands in exchange for his property utilised by the Trust Board for their scheme, without notifying the same under the provisions of the Land Acquisition Act.

4) As this report is submitted for the information of Govt, these papers will be recorded with the main file after perusal if approved.

fly B

para 6 of the notes of the collection no Rev 108-48-fly P

A

4260

14-12-4

A - may be approved

5/12 JDT

Secretary to Govt Rev Dept To 9534 Date 12/12

Chief Secretary 15/12/49

Minister Finance) 15/12/49

Secretary to Govt Rev Dept Date 17/12

Secretary 17/12/49

Finance 17/12/49

B with the main file Rev 108-4 No 6-7 dtd 19/12-

General and Revenue Secretariat	File No	of 194

Serial No		

File No of 194

General and Revenue Secretariat

Serial No

MH 108-48-6.

L 187-8/48-9
Enc two & a Map.

Office of the City Improvement Trust Board,
'Ranga Vilas', Seshadri Road,
Dated, Bangalore, the 22nd September 1948.

GENERAL & REVENUE SECRETARIAT
25 SEP 1948
2459
MUNICIPAL BRANCH

To

Janab Syed Abdul Aleem, B.A., B.L.,
Secretary to Government,
Revenue Department,
Bangalore

Sir,

I have the honour to state that Sri B Subbiah, First Munsiff, Bangalore, gave a notice dated 26-2-48 under Sec 51 of the City of Bangalore Improvement Act, 1945, that certain land which had been included in the area of Kumara Park West Extension belonged to him and bore a Municipal number and that he had been paying Municipal assessment etc , and stating that a suit would be filed against the Trust Board in a proper Court of Law for declaration of his title or for permanent injunction restraining the Board from interfering with his possession and also for damages or for reliefs that he may be advised to seek

2 A copy of the notice received from him together with a detailed sketch showing the position and the land claimed by Sri B Subbiah is enclosed for favour of reference

3 It is seen therefrom that the eastern boundary of the land claimed by Sri Subbiah is a bund The portion marked AB CD in the sketch is the land claimed by Sri Subbiah as also the bund While the formation of Kumara Park West Extension was taken up, it was assumed that according to the original scheme, all the lands were Government property

4 But, in view of the above notice issued by Sri Subbiah, the subject was placed before the Board for consideration at its meeting held on the 8th April 1948 After some discussion, it was suggested by some of the members of the Board that the title to the property referred to in his notice ~~may~~ be verified in the first instance and that the Government Pleader be also consulted It was accordingly resolved

"that the matter be deferred pending legal opinion by the Government Pleader as to the title of the person to the land in question "

5 The Government Pleader was accordingly requested on 29-4-48 to furnish his legal opinion with regard to the title to the land, Sri Subbiah having been asked to produce before the Government Pleader for examination such documents as he might have in support of his contention

6 The Government Pleader wrote in his letter No 1017 dated 17-5-48 to say that after examining the title to his land ~~referred to~~, produced by Sri B Subbiah, he found that his title to the property was in order but since however there was a mention that the City Improvement Trust Board was under the impression that this land formed part of the Kumara Park compound which was purchased by Government, the matter had to be verified with reference to the original documents of the Kumara Park and the boundaries contained therein

7 Before coming to a decision on the subject, the area was inspected by the members of the Board on 16-6-1948 with reference to the bund existing on the land The Members were of the view that the exact extent of the boundaries taken from the heirs of late Sir K Seshadri Iyer should be fixed in order to come to a conclusion whether the land claimed by Sri B Subbiah did really belong to him and that further an assurance could be given by the Board to Sri Subbiah, that in case his title was proved to the land in question, he would be given one site in Kumara Park West Extension

8 The above views of the Members of the Board on inspection ware placed before the Board at its meeting held on 24-6-1948, for consideration

9 After examining the question in detail, it was resolved

(a) "That the Board agree to reserve one site of 70' x 90' to Sri B Subbiah in Kumara Park West Extension if he should approve his title to the land he claimed

(b) The whole of the land be taken and
(c) Road works be continued "

This decision was communicated to Sri B Subbiah in this office letter of the 12th July 1948

10 Inspite of the assurance given by the Board as above to Sri Subbiah, he has chosen to rush to the Court and has filed a suit against the City Improvement Trust Board in O S No 111/48-49 in the Court of the First Munsiff, Bangalore, praying for a decree restraining the defendants (Board) by means of a permanent injunction ~~they are~~ from trespassing on the property by any means whatsoever and (2) directing the defendents to pay to the plaintiff the costs of the suit with such other relaefs as the Court deemed fit to grant A copy of the plaint filed by Sri Subbiah in the Court is also enclosed for favour of reference

11 The First Munsiff, Bangalore, ~~in sending me~~ sent me with his letter No ~~ES~~ 819 Dated 26 8 48 filed with the a copy of the plaint ~~issued and~~ defendent summons ~~on 26-8-48~~ posting the case to 9-9-1948 The Government Pleader was requested to appear before the Court on the date of hearing and obtain an adjournment as this had to be placed before the Board

12 The subject was again placed before the Board at its subsequent meeting held on the 7th September 1948 for consideration Having regard to all previous proceedings in the matter, the Board passed the following resolution

> "Resolved that the site in Kumara Park West Extension measuring 66' x 90' be given to Sri Subbiah in exchange of the entire land claimed by Sri Subbiah in his notice, provided that Sri Subbiah agreed to withdraw the present suit without costs and also gave an indemnity bond holding himself liable to the Board to the extent of the value of the site given in exchange as fixed by the Board in case his title to the land claimed by him should prove to be defective "
>
> "Resolved further that the westernmost site measuring 66' x 90' at the back of the tenemental Quarters under construction be given in exchange under the above conditions "

13 This resolution was communicated to Sri Subbiah on 21-9-1948 (without prejudice) with a request to intimate immediately whether he was agreeable to the above conditions and terms of the resolutions passed by the Board in this behalf, the Government

Pleader also being apprised of this in the meantime

14 Sri Subbiah has in his letter of today's date stated that he is agreeable to the proposal and has requested me to put him in possession of the property and convey the exchange deed in his favour after which, he says he would withdraw the suit

15 In the circumstances, I request the favour of immediate orders of Government in the matter of putting Sri B Subbiah in possession of the exchange site referred, to above as resolved by the Board, subject to the conditions specified thereon

16 Pending orders of Government in the matter, I am asking the Government Pleader to obtain a long adjournment in the case.

Yours faithfully,

C.N. Narasimhan

CHAIRMAN

HR/gvm (4)

23/9

5

IN THE COURT OF THE FIRST MUNSIFF AT BANGALORE

C S No 111/~~19-48-49~~ 1945-46

Plaintiff		Defendant
B Subbiah, B Sc , LL B , S/o Sri B Balappa, aged about 35 years, Balija by caste, First Class Magistrate, Bangalore, residing at No 115, Seshadripuram, Bangalore City	VS	The Trustees for the Improvement of the City of Bangalore, Seshadri Road, Bangalore City by its Chairman, Sri C N Narasinga Rao, B A , B L ,

UNDER ORDER VII, RULE I OF THE CIVIL PROCEDURE CODE

The plaintiff begs to state as follows -

1) The addresses of the parties are as given above and this suit has been filed against the Trustees for the Improvement of the City of Bangalore

2) The plaintiff is the owner of and in possession and enjoyment of the site bearing M No 271/1 more fully described in the schedule attached hereto and situate in the Girls' School street, Seshadripuram, Bangalore City He purchased the site for valuable consideration under a registered sale deed dated 15-7-1942 produced herewith from one Thimmiah and has since then been in possession of it as absolute owner exercising acts of ownership and paying the assessed Municipal tax of Rs 12-10-0 to the Bangalore City Municipality The khata of the site also stands in his name

3) Prior to the purchase by the plaintiff, his predecessors in title had likewise been in continuous possession and enjoyment of the site as absolute owners for over 50 years

4) The plaintiff obtained a license from the City Municipality to put up a structure on the site and was making arrangements to do the same

5) Meanwhile, in the last week of February 1948, the plaintiff learnt that the employees of the department had ~~strengthened~~ fresh/fresh on the site and made marks on the middle of site presumably in connection with the formation of a road within what is known as the Kumara Park West Extension As the acts

of the employees of the defendant were without permission of the plaintiff ~~xxxxx~~, the plaintiff issued a registered notice to the defendant dated 26th February 1948, intimating the Board of his rights and warning the defendant against interference with the plaintiff's possession as required under Sec 51 of the City of Bangalore Improvement Act, 1945

6) After the issue of the notice by the plaintiff and in compliance with the directions of the Chairman of the defendant board, the plaintiff produced all his papers establishing his title to the site and his possession thereof, both before the Chairman of the Board and its legal Adviser The defendant entered into protracted correspondence with plaintiff ending up with the intination that another site in lieu of the suit site would be provided

7) Inspite of the intimation aforesaid, the defendant has not made any further move in the matter but the defendant continues to make surveys on the suit site and the plaintiff apprehends that the acts of the defendant constitute a threat to his peaceful possession and enjoyment of the ppoperty

8) Further, the statutory period 6 months under the City of Bangalore Improvement Act 1945 is running out and the plaintiff is therefore constrained to file this suit to protect his possession of the site against acts of trespass by the defendant, who are preventing the plaintiff's men from working on the ~~xxx~~ suit site

9) The cause of action for the suit arose on or about 21-2-48 and subsequently in Bangalore City within the Jurisdiction of this Court

10), The value of the suit for purposes of jurisdiction and court fee is Rs 10/- that being the value of the relief claimed namely a permanent injunction and a court fee of Re 1/- is paid on the plaint

11) The plaintiff prays for a decree restraining the defendant by means of a permanent injunction from trespassing on the property by any means whatsoever or in any way interfering with the peaceful enjoyment and possession of the property by the plaintiff (2) directing the defendant to pay the plaintiff the costs of the suit, with such other reliefs as this Court deems fit to grant

Bangalore City,
19th August 1948 Plaintiff

Advocate for Plaintiff

I, the plaintiff abovenamed do hereby declare that what is stated in paras 1 to 11 above is true to the best of my knowledge, information and belief

Bangalore City,
19th August 1948 Plaintiff

SCHEDULE - Vacant site bearing No 271/1 situate in Girls School road, Seshadripuram, Bangalore City, bounded on the east by Bund, west by H N Thimmiah's house, north by conservancy lane, south by Girls School road, measuring East to west 70 feet in the north, 80 feet in the south, north to south 110 feet

Bangalore City,
19th Aug 1948 Plaintiff

" Copy "

FOR CHAIRMAN

gvm/-2-

Note dated 26-2-1948 from B Subbiah, Esq ,B Sc ,LL B ,Son of Mr.B Balappa, First Munsiff, Residing in No 115, Seshadripuram,Bangalore City, to the Chairman, Bangalore City Improvement Trust Board, Seshadri Road, Bangalore City.

=======

Notice under Section 51 of City of Bangalore Improvement Act of 1945.

I am the owner in possession of the site more fully described in the schedule, situate in Girl School Road, Seshadripuram, I Division, Bangalore City. I have purchased the said site for valuable consideration from Thimmiah under the sale deed registered on 15-7-1942 as No 164/42-43 in the Office of the City Sub-Registrar, Bangalore City Since then, I have exercised acts of ownership, - and further in O.S No 126/43-44 on the file of the First Munsiffx, Bangalore, I have obtained a decree confirming my title and possession My predecessor in-title had been not only in possession and enjoyment, but also he had leased the site to others asper the - stamped lease deeds dated 13-1-1931 and 24-12-1935. My vendor and his mother purchased the site under the sale deed dated 26-11-1909 from Chikkagiriappa who in turn purchased it and other properties under the registered sale deed dated 8-4-1885 My Vendor Thimmiah is the only son of his parents You will thus see my title to the suit property is beyond any reasonable doubt, while all along I and my predecessors-in-title have been in continuous enjoyment and - possession.

2 Even otherwise, I have perfected the title to the suit property by adverse possession of myself and my predecessors-in-title for a period of over sixty years Even if any other person including the Government had any manner of right, it is not only - barred by limitation and also under Article 142 of the Limitation Act. In O S 126/42-43 on the file of the First Munsiff,Bangalore, I obtained a decree confirming my possession and title to the suit land As "ex majore Cantela", I got published in the local daily

P T O

newspapers that a suit of such nature had been filed, and any person aggrieved might appear before Court and urge his claim. In pursuance to such publication, no separate caveat was entered.

3. About 2 or 3 days back, I learnt that some of the subordinates of-the Bangalore City Improvement Trust Board have made marked in the middle of the schedule land probably for the formation of a road to the West of Kumara Park. As per this marking a large piece of land will be lost to me, and I hereby state that the Trust Board have been attempting to trespass on my land without my previous permission, nor have they any right under any Statute to do the same without intimating me of such act. Under the above circumstances, I hereby call upon you not to meddle with my land nor to do any act jeoparding my right, title, interest, and possession of the land.

4. Please treat this also as a notice under Section 51 of City of Bangalore Improvement Act that a suit will be filed against the Trust-Board in a proper Court of law for declaration of my title or for permanent injunction restraining you from interfering with my possession and also for damages or for all or any of the reliefs as I may be advised to seek if you and your subordinates continue to infringe my rights in the schedule property. Please note that you will also be mulcted with all the costs of the suit thereof.

SCHEDULE.

Property situate in Seshadripuram Extension I Division, Bangalore City, bounded thus, East by Bund, West by H.N.Thimmiah's houses and land, North by Conservancy lane, South by Girl School Road (Where there is Seshadripuram High School) measuring East to West 70 feet in the North, 80 feet in the South, and 110 feet from North to South.

"C O P Y"

CHAIRMAN,
City Improvement Trust Board,
Bangalore.

MSS.

d 5219 15-11-48

Appendix F G—11

No 4

SUBJECT grant of site measuring ~~66' x 90'~~ in The Kumara path west extension to Sri Subhal

Section MK
File No 108-48
Serial No 7

Diary No of letter replied to

No

To

The Chairman,
C.T. Board,
Bangalore

Date of issue

Sir,

Signed by

With reference to your letter No G-18-7-8/4 G-23/9/48 on the above subject, I am directed to convey the approval of govt to the proposal of the Trust Board to grant a site measuring 66' x 90' at the border of the Tenemental quarters

General and Revenue Secretariat
( )
the *19*

List of enclosures

Copied by

Examined by

WD 06865—GPB—8 000—9-8-47

under construction on the Kumarasa
to the B sub-track. in exchange
for his land
acquired
South west extension of subject-
to the ~~section~~ conditions specified in by
the Board
in their resolution of 7-9-48 the formation
of a road
on the subject- in the
Kumarasabha
West Extension

yours faithfully
for
J Revsecy

News - d/5220/15-11-48 -
- - copy of the above is
forwarded w/c to the Director,
P W D for information

and
for
J Revsecy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L5219/rd108-48-7 General and Revenue Secretariat,

Dated Bangalore, 15-11- 1948

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore

Revenue Department

To

The Chairman,
City Improvement Trust Board,
Bangalore

SIR,

SUBJECT Grant of site in the Kumara Park west extension to Sri B Subbiah

With reference to your letter No G 187-8/48 dated 23rd September 1948 on the above subject, I am directed to convey the approval of Government to the proposal of the Trust Board to grant a site measuring 66' x 90' at the back of the Tenemental quarters under construction in the Kumara Park west extension to Sri B Subbiah in exchange for his land utilised by the Board for the formation of a road in the Kumara Park west extension, subject to the conditions specified in their resolution dated 7th September 1948 on the subject.

Yours faithfully,

Sd/- Syed Abdul Aleem,

Secretary to Government,
Revenue Department.

Memo No L5220/rd108-48-7 dt 15-11-48

Copy of the above is forwarded, with compliments, to the Auditor, Public Works Department, for information

By Order,

For Secretary to Government,
Revenue Department

MJ 3208

G 227-8/48-9

OFFICE OF THE CHAIRMAN,
City Improvement Trust Board,
"Ranga Vilas", Seshadri Road,
Bangalore, Dated, the 19th October 1948

To

Janab Syed Abdul Aleem, B.A.,
Secretary to Government,
Revenue Department, Bangalore

Sir,

Subject O S No 111/48-49 on the file of the First Munsiff's Court, Bangalore

---

I have the honour to invite kind reference to this office letter No G 187-88/48-49 dated 23rd September 1948 requesting orders of Government sanctioning the resolution of the Board dated 7th September 1948 in the matter of putting Sri B Subbiah in possession of the site referred to therein in exchange of his land acquired for purposes of layout, and to request the favour of very early orders of Government in the matter

2 The Government Pleader who was requested to obtain a long adjournment in the case pending orders of Government in th matter, states in his letter No 686/48-49 dated 13-10-1948 (cop enclosed) that the case is posted to 10-11-1948 and that in the meantime the settlement in regard to the site with Sri B Subbiah may be finalised

3 I request that in these circumstances you will be so good as to obtain early orders of Government and communicate th same to me before the date of hearing namely 10-11-1948

Yours faithfully,

CHAIRMAN

KRR/-3-

Letter No 686/48-49 dated 13-10-48 from Janab Mir Iqbal Husain, B A , B L , Advocate and Government Pleader, Bangalore City, to ~~k~~ Sri C N Narasinga Rao, B A , B L , Chairman, City Improvement Trust Boa rd, Bangalore

---

Dear Mr Narasinga Rao,

Re - O S.111/48-49 First court

--

As per your instructions both oral and written, I managed to obtain a long adjournment The case is posted to 10-11-48 I trust that there is sufficient time for you to finalise the settlement In case the settlement is not accepted in time, it is necessary to file a written - statement I trust you will be able to do so by sending instructions in good time in case the settlement does not materialise Cost of Rs 5-0-0 is to be paid on the date of hearing

Yours sincerely,

sd/- Mir Iqbal Husain

"Copy"

C N Narasinga Rao

Chairman

C F No 45] **GOVERNMENT OF MYSORE**

Tele phone

OFFICE OF
The Chairman,
City Improvement Trust Board.

G No 191/48-50 plan & copy of the document
Encls

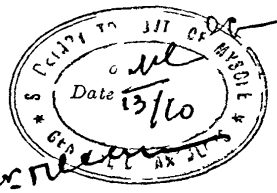
Date 10th October 1949.

To

The Secretary to Government,

General Department, Bangalore.

Sir



Subject - Grant of site in Kumarapark West Extension to Sri B .Subbaiah in lieu of his land utilised by the Board for the formation of a road in the above extension

---

Adverting to the correspondence ending with your letter No.L. 14/10/48 5219/ml 108-48-7 dated the 15th November 1948 conveying the approval of Government to the proposal of the Trust Board to grant a site measuring 66' x 90' at the back of the Tenamental quarters under construction in Kumarapark West Extension to Sri B Subbaiah in exchange for his land utilised by the Board for the formation of a road in Kumarapark West Extension, subject to the conditions specified by the Board in their resolution dated 7th September 1948, I have the honour to state that the conditions specified in the above resolution was that a site as above be given to Sri. B Subbaiah provided that Sri Subbiah agreed to with draw without cost the suit he had filed in the Civil Court in respect of his land referred to above, and also gave an indemnity Bond holding himself liable to the Board to the extent of the value of the site given in -- exchange by the Board, in case his title to the land claimed by him as his, should prove to be defective

2. Sri Subbiah accordingly withdrew the suit he had filed in the first Munsiff's Court against the Trust Board in respect of his land utilised by the Board for the formation of a road as stated above, and also executed an agreement embodying the conditions specified by the Board A copy of the agreement executed by him is enclosed for favour of reference.

3. Sri Subbiah was afterwards given a site measuring 62' x 90' in Kumarapark West Extension in the area specified and not one of 66 x 90' as resolved by the Board, as by actual measurement of the site proposed to be given to him, it was found that it measured - only 62' x 90' to which Sri Subbiah agreed

4. As it was felt that Sri Subbaiah could not have claims to the land forming part of Survey No 19 in Malenahalli, the Special Land Acquisition Officer attached to the Board was requested on -- 20-1-49 to arrange for an immediate survey of S No 19 of Malenahalli Village, with a view to fix the area of the land claimed by Sri Subbiah as according to clause 6 of the agreement, the Board had to complete the investigation into the title of Sri Subbaiah to the land claimed by him before 31-12-49

5. The Special Land Acquisition Officer having reported that the ground contained no boundary marks, that the S.No in question was surrounded by Municipal and Railway lands, and that consequently the measurement was rendered difficult, a reference was made to the Commissioner for Land Records Survey and Settlement in Mysore, on 8th February 1949 requesting him to depute the District Survey Officer, Bangalore to fix the boundaries of the S No under reference and mark them on the ground with reference to the Survey Records.

6. After some correspondence and issue of reminders, the District Survey Officer finally gave a sketch and report on 12-8-49 after surveying the area.

7. The results of the survey and the measurements showed that out of the land claimed by Sri Subbiah, measuring 916 2/3 Sq Yd, 205 Sq Yds come within S No.19 and 711 2/3 Sq Yds were beyond Survey No 19. The area of the site given in exchange by the Board to Sri B Subbiah --

measured 622½ Sq Yds. A copy of the sketch showing the position of Sri Subbiah's site with reference to the Revenue Survey boundary of Survey No. 19 of Malenahalli village is enclosed for reference.

8 The subject came up before the Board for consideration at its meeting held on 21-9-49 when the case was explained to the members and the results of the Survey and measurement of the land in question were also furnished. The members were asked to express their views whether in the circumstances, it was necessary to persue the matter further in respect of the area of 205 Sq Yds coming within Survey No 19 of the village.

9 After a study of the entire question, the Board -- resolved -

"That having regard to the fact that it was clear that 711 2/3 Sq.Yds came beyond Survey No 19 and that Sri Subbiah had been given 622½ Sq.Yds in exchange, it was not necessary to pursue the matter and litigate it further"

10. In the circumstances, it is proposed to close the matter and file the reocrds Action is being taken separately to acquire formally under Land Acquisition rules of Sri Subbiah's land in order to get indefeasible right over the land. This is reported for the information of Government

Yours faithfully,

CHAIRMAN,
City Improvement Trust Board

16/10

This Deed of exchange is made this day Monday the 20th day of December one thousand nine hundred and forty eight between Sri B. Subbiah, B A L L.B , son of Sri Balappa residing in No.115 Seshadripuram, Bangalore City (herein after called the first Party) which term shall include his heirs representatives, Executors, Administrators and assigns of the one part and the Board of Trusteesfor the Improvment of the City of Bangalore by its Chairman Sri C N Narasinga Rao B A B L (herein after called the second party) which term shall include his Successors in the said office of the other part) whereas the Bangalor City Improvement Trust Board has formulated a scheme of Extension - called the Kumarapark West Scheme and whereas the land described -- Schedule (2) attached hereto has been included in the area of the Schem for the formation of Roads and sites and treated the land as belonging to the Government and whereas the first party above named has claimed the said piece of land as his own which claim has been disputed by the second party and whereas the first party has filed a suit in O S-No 111 of 1948-49 on the file of the first Munsiff, Bangalore against the second party in this regard and whereas further the Trust Board, Bangalore resolved in this connection on 7-9-48 (Illegible) a site in Kumarapark West Extension measuring 66 x 90 (Sixty-six feet by ninety feet) be given to Sri Subbaiah in exchange for his entire land claimed by him in the said suit provided that Sri B Subbiah agreed to withdraw the said suit without costs and also gave one indemnity Bond holding himself liable to the Board to the extent of the value of the site given in exchange as fixed by the Board in case the title to the land claimed by him should be proved to be defective and B Subbiah 20-12-48 C N Narasinga Rao 20-12-48 II sheet of Document No 2137 of 1848-49 Book No 1 K B D 20+12-48 (Seal) 2 and further that (a) the western most site measuring 66 x 90 (sixty-six by-ninty feet) at the back of the

tenamental quarters under construction be given in exchange under the above conditions and whereas the Government in their No L 5219/M1-108-487 dated 15-11-48 addressed to the second party have signed their approval to the above proposal and whereas the first party also in this letter dated 23-9-48 has agreed to these proposals and whereas the site in Kumarapark West - Extension to be given in exchange and described in Schedule one (1) attached hereto actually measures 62 x 90 (Sixty-two by ninety feet) and not 66 x 90 (sixty six by ninety feet) and the first party accepts hereby this measurement as modified Now this Deed of Exchange witnesseth (1) inpursuance of the said agreement and in condideration of the transfer by the second party hereinafter contained the first party above named hereby grants and transfers to the second party the entire land described in - schedule two (2) attached hereto to hold the same unto the second party absolutely for ever and as full and absolute owner with all rights and privileges (3) in further pursuance of the said agreement and in consideration of the Transfer by first party hereinbefore contained the second paty hereby gramts and transfers to the first party all that piece of land fiescribed in the schedule one(1)attached hereto hold the same unto the said first party as absolute owner with all rights and privileges B Subbiah - 20-12-48 C N Narasinga Rao 20-12-48 3rd sheet of document No 2137 of 1948-49 Book No 1 K B D 20-12-48 (seal) 3 The first party hereby gives possession of t land described in Schedule two(2)attached hereto the second party (4) The second party hereby gives possession of the land described in Schedule (1) attached hereto to the first party (5) The first party hereby binds himself his heirs, Executors administrators and assigns to pay to the Second party a sum of Rs 6,200/- (Six thousand two hundred being the value of the site described in Schedule one(1)at Rs 10/- per square yard in case the title of t first party to the site described in schedule two(2)should be proved to be defective on or before 31-12-49 (Thirty first December one thousand nine

hundred and forty nine (6) It is further agreed that the second party shall complete the investigation into the title of the first party for the land described in Schedule two(2)attached hereto on or before thirty first December One thousand Nine hundred and forty nine 7 subject to the condition mentioned in paras five and six supra each of the parties hereto covenants with the other first by that the (b) property hereby transferred by him is free from encumbrances and secondly that the (c) property so transfered by each of them be quietly entered on and held and enjoyed by the other of them as absolute owner with full rights of owner ship without any interruption or disturbance by the party transferring the same and thirdly that each of the parties - hereto will at the request and cost of the other execute every such assurance and do avery such act or thing as shall reasonably be - required by such other for further or more fully and perfectly - assuring B Subbiah at 20-12-48 C N Narasinga Rao 20-12-48 4th sheet of Document No 2137 of 1948-49 Book No 1 K & E. 20-12-48 (seal) 4 to such other the property hereby transferred to him (8) It is hereby declared that the value of the property mentioned in each of the Schedules is Rs.6200/- (Six Thousand two hundred) 9 The grant hereby made and each of the covenants herein contained shall in the case of each party heereto be binding on and ensure for the benefit of his heirs legal representatives successors and assigns

In witness whereof the first and second parties hereto (un) affix their signatures and seals to this Deed of exchange in the presence of the undermentioned witnesses this the day (month) and the year above -- written Schedule one

Site situated in Kumarapark West extension measuring sixty two feet east to west and ninety feet North to south bounded on the east by site belonging to the Second party on the West by Road and the North by combined wall of tenamental quarters built by the second party on the south by road ——

Schedule 2. Vacant site bearing Municipal No 271/1 twohundred and seventy one over one situated in the Girl's School Road, Sehsadripuram, Bangalore City, bounded on the east by Bund west by Mr H.N.Thimmiahis hose North by conservancy lane South by Girls' School Road measuring East to West seventy feet in the north eighty feet in the South, north to south one hundred and ten feet.

B Subbaiah 20 -12-48 Sd C N.Narasinga Rao
Chairman,
City Improvement Trust Board
20-12-48

Trustees - 1 D.R Puttanna

2. N. Kesava Iyengar
No 58, Hospital Road, Balepet

(Seal) of the Officer of the City Improvement Trust Board
Bangalore

" Copy"

True Copy "
(Sd) K L Narasimha
Sub-Registrar

Chairman,
City Improvement Trust Board

Appendix F G—1]

No 4

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No L 4870 Dt 16-11-1949

To

General and Revenue Secretariat

( )

the *194*

The chairman, C J T Board, Bangalore

Sir,

Date of issue

Signed by

With reference to your letter No J 191/49-50 & 10-10-49 re grant of a site to Sri B Subbiah in the Kumara Park West extension, I am directed to request you to furnish information on the following points.—

List of enclosures

Copied by

1) What is the area first claimed by Sri as belonging to him & Subbiah, & purported to have

Examined by

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 4870 *Dated Bangalore,* 16-11-1949

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

General Department, Bangalore

To

The Chairman,
City Improvement Trust Board,
Bangalore

Sir,

With reference to your letter No G 191/49-50 dated 10th October 1949 regarding grant of a site to Sri B Subbiah in the Kumara Park West Extension, I am directed to request you to furnish information on the following points -

1) what is the area first claimed by Sri Subbiah as belonging to him and purported to have been used by the Board for the formation of a road and what is the actual dimension (in length and breadth) of his land used for the purpose?

2) To whom does the area measuring 711 2/3 sq yards coming beyond S No 19 of the Malenahalli village belong?

3) Whether action cannot be taken now to cancel the grant of the site made to him and to give only such area as has been utilised out of his property, in view of the conditions 5 and 6 of the agreement executed by him in this behalf, as the title to the land claimed by him does not appear to have been clearly established

Yours faithfully,

General Secretary to Government

C F No 45]

GOVERNMENT OF MYSORE

REVENUE SEC 3653 1949 Dece

Telegram / Phone

OFFICE OF CHAIRMAN, City Improvement Trust Board, Bangalore

G No 2 Eg 1 49-50 / Encls

Date 26 Nov 49.

2553

To

The Secretary to Government,
General Department, Bangalore.

Sir D. Dt 28/11 GEN PAL DE ARTMENTS

SUB GRANT OF SITF TO SRI B SUBBIAH, IN KUMARA PARK East

With reference to your letter No.L 4870 dated 16 11 49, on the above subject, I have the honour to state as follows -

(1) Exact area claimed by the Party 110 X $\frac{70 + 80}{2}$ = 8250 Sq Ft
or 916 $\frac{2}{3}$ Sq.Yds

The Board utilized out of this land (1) 290$\frac{1}{3}$ Sq Yds. for the formation of sites.

for the formation of the road. (2) 421$\frac{1}{3}$ Sq Yds

Total area utilized out of this land by the Board. 711$\frac{2}{3}$ Sq.Yds.

(2) Out of the total area of 916$\frac{2}{3}$ Sq Yds the area within S No 19 is found to be 205 Sq.Yds , and 711$\frac{2}{3}$ Sq Yds beyond S No 19 as per report of Revenue Survey Department, and of the Engineer Officer of the Trust Board, and this area of 711$\frac{2}{3}$ Sq Yds belongs to Mr.Subbiah

Report of the Engineer Officer with sketch explaining the details is enclosed The documents of Mr Subbiah have been examined by the Government Pleader and legal opinion obtained that from the documents he was clear that the title of Mr Subbiah to the property was in order.

(3) According to the agreement in case the title of Mr Subbiah is found defective the Board can only recover Rs.6200/-, and it is not open to the Board to resume or take back possession of the site granted to him in exchange.

It is seen from the investigation made that his title to an area of 711$\frac{2}{3}$ Sq Yds ~~are~~ out of 916 Sq Yds claimed by him is in order As against this 711 Sq,Yds taken from him, the Board has given an area 622$\frac{1}{2}$ Sq Yds to him So his title cannot be taken to be defective for the entire area, to entitle us to cancel the grant Mr Subbiah

P T O

has already obtained license from the Municipality and built on the land granted to him In as much as the area taken from him is 711⅔ Sq Yds as against 622½ given to him, the Board stands to gain in any case 89 Sq.Yds, leaving aside the question of 205 Sq.Yds coming under S.No.19 which also Sri Subbiah claimed.

Mr.Subbiah is under the agreement bound to give up all the land claimed by him in exchange for 662½ Sq.Yds. In the extra area taken the Board has proposed to form some shop sites, which will yield good return.

Under ~~all~~ these circumstances, the Board has recommended that the matter may not be persued further since it will mean protracted litigation & expenses.

Yours faithfully,

C.R. Narasimhan

CHAIRMAN.

KR.

REPORT OF THE ENGINEER OFFICER

Submitted

Area of the land as first claimed by Mr Subbiah - 110 X $\frac{70+80}{2}$	8250 Sq Ft or $916\frac{2}{3}$ Sq Yds
Out of the above area of 8250 Sq Ft, the area encroached upon in S No 19 of Malenahalli Village by the Party as disclosed by the recent survey made by the Revenue Survey Department	1845 Sq Ft. (shown in Red on sketch) or 205 Sq Yds.
The balance area belonging to the Party	6405 Sq Ft or $711\frac{1}{3}$ Sq Yds.
Out of this area of 6405 Sq Ft, the area utilised by the Board for forming site (coloured in Blue) 25 X $\frac{12+9}{2}$ = $262\frac{1}{2}$ Sq Ft $\frac{9X9}{2}$ = 40½ " 110 X $\frac{24+18}{2}$ = 2310 " and 2613 "	2613 Sq Ft (shown in Blue in sketch or $290\frac{2}{3}$ Sq Yds
Therefore, the area utilised by the Board/~~for the road~~ out of this area of 6405 Sq Ft ~~-2613=3792~~ for the road would be (6405-2613=3792) Sq Ft (Coloured in Yellow)	3792 Sq.Ft (shown in yellow in sketc or $421\frac{1}{3}$ Sq Yds.

Submitted to E O

Enclosed is a sketch (extract from the layout of Kumara Park West Extension) showing the site originally claimed to be his by Sri B Subbiah and portions of it which are utilised for formation of (1) Road (shown in Yellow) (2) Sites (shown in Blue) and portion which gets included in S No 19 of Malenahalli Village as disclosed by the recent Survey made by the Revenue Survey Department (shown in red) The above statement gives the details of areas and dimensions of each one of these portions.

sd/ H N Subba Rao.
Assistant Engineer
24 11 49.

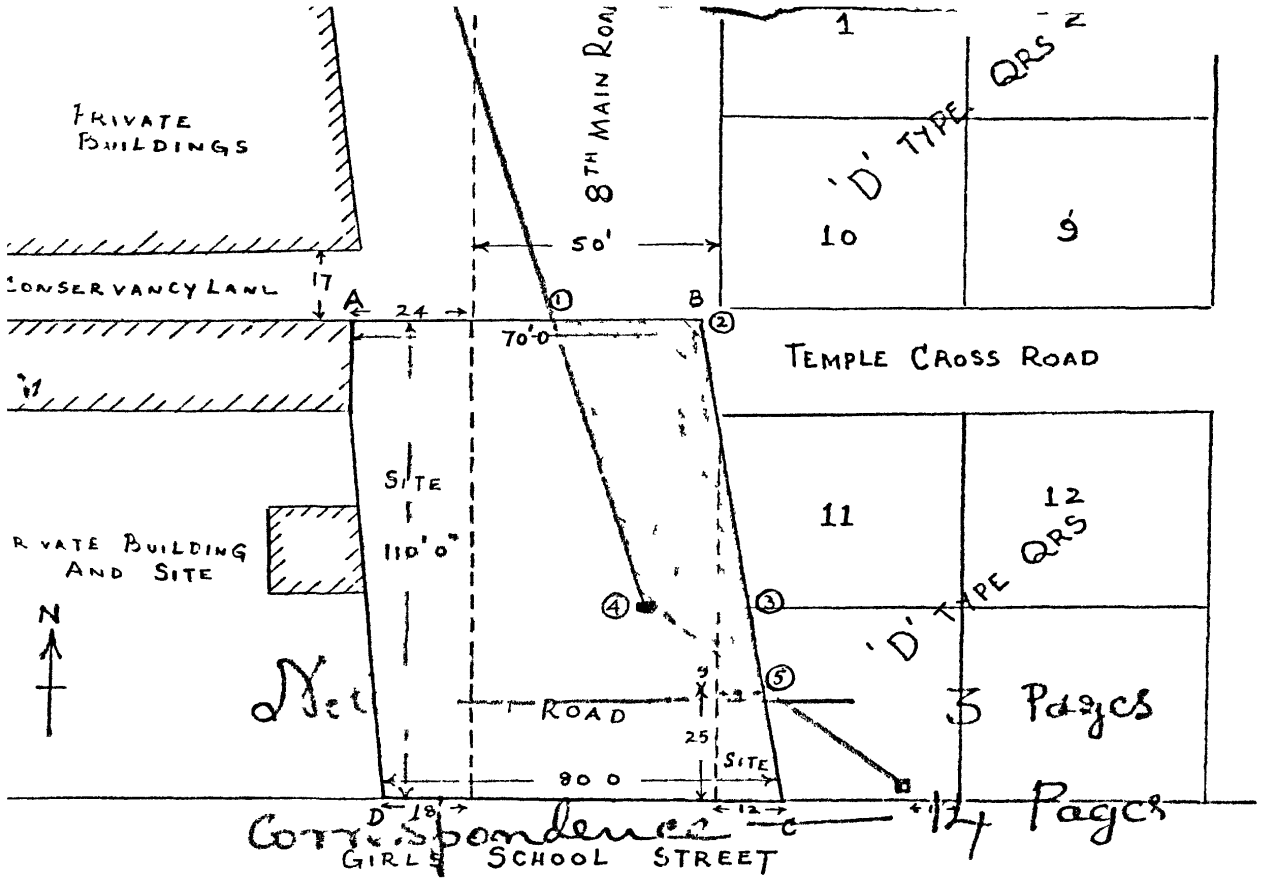
Submitted.

The above information is correct and the Government may be informed ofthe position as they desired

sd/ R Madhavan
Engineer

KR.

"Copy
C R Narasimha Rao
Chairman
City Improvement Trust Board
BANGALORE



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Correspondence 5 Pages

12 Pages

SCALE 1" = 33'

BOUNDRY OF SNO 19

ABCD LAND CLAIMED BY MR SUBBIAH } 8250 SQFT

PORTION ENCROACHED UPON BY MR SUBBIAH IN SNO 19 } 1845 SQFT

PORTION OF ROAD - - 3792 SQFT or 421⅓ Sqds

SITE — — 2613 SQFT or 290⅓ Sqs

M R Govindarajan
Sub Asst
24/11/49

M N Subbaiah

24/11/49 AE